

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, and Title 69, Chapter 10, Part 2, relative to the administration of blood alcohol tests for DUI and BUI suspects.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(a)(1), is amended by deleting such subdivision in its entirety, and by substituting instead the following new language:

(a)(1) Any person who drives any motor vehicle in the state of Tennessee shall be deemed to have given consent to a test for the purpose of determining the alcoholic or drug content of that person's blood, provided, that such test is administered at the direction of a law enforcement officer having reasonable grounds to believe such person to have been driving while under the influence of an intoxicant or drug, as defined in Section 55-10-405. Any physician, registered nurse, licensed practical nurse, clinical laboratory technician, licensed paramedic or, notwithstanding any other provision of law to the contrary, licensed emergency medical technician approved to establish intravenous catheters, or technologist, or certified and/or nationally registered phlebotomist who, acting at the written request of a law enforcement officer, withdraws blood from a person for the purpose of making such test, shall not incur any civil or criminal liability as a result of the withdrawing of such blood, except for any damages that may result from the negligence of the person so withdrawing. Neither shall the hospital nor other employer of the previously listed health care professionals incur,

except for negligence, any civil or criminal liability as a result of the act of withdrawing blood from any person.

SECTION 2. Tennessee Code Annotated, Section 55-10-410(a), is amended by deleting such subsection in its entirety and by substituting instead the following new language:

(a) The procurement of a sample of a person's blood for making a test as provided by Sections 55-10-405 -- 55-10-412, to be considered valid under Sections 55-10-405 -- 55-10-412, shall be performed by a registered nurse, licensed practical nurse, clinical laboratory technologist, clinical laboratory technician, licensed emergency medical technician, licensed paramedic, technologist, or certified and/or nationally registered phlebotomist or at the direction of a medical examiner or other physician holding an unlimited license to practice medicine in Tennessee under procedures established by the department of health.

SECTION 3. Tennessee Code Annotated, Section 69-10-217(e)(3), is amended by deleting such subdivision in its entirety and by substituting instead the following new language:

(3) Any physician, registered nurse, licensed practical nurse, clinical laboratory technologist, clinical laboratory technician, technologist, or certified and/or nationally registered phlebotomist who, acting at the written request of an officer withdraws blood from a person for the purpose of making such test, shall not incur any civil or criminal liability as a result of the withdrawing of such blood, except for any damages that may result from the negligence of the person so withdrawing. Neither shall the hospital or other employer of such physician, registered nurse, licensed practical nurse, clinical technician, technologist, or certified and/or nationally registered phlebotomist, incur, except for negligence, any civil or criminal liability as a result of the act of withdrawing blood from any person submitting to such test.

SECTION 4. Tennessee Code Annotated, Section 69-10-217(m)(1), is amended by deleting such subdivision in its entirety, and by substituting instead the following new language:

(m)(1) The procurement of a sample of a person's blood for making a test as provided by subsections (e)-(m) to be considered valid under subsections (e)-(m), shall be performed by a registered nurse, licensed practical nurse, clinical laboratory technologist, clinical laboratory technician, technologist, or certified and/or nationally registered phlebotomist, or at the direction of a medical examiner or other physician holding an unlimited license to practice medicine in Tennessee under procedures established by the department of health.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.